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December 15, 2023

VIA ECF

The Honorable Jessica S. Allen, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Jason Jorjani v. New Jersey Institute of Technology, et al.
Civil Action Nos. 2:18-cv-11693 (WJM-JSA)

Dear Judge Allen:

This office represents the New Jersey Institute of Technology (“NJIT”) and the individual Defendants in this matter. We write to request the Court’s assistance in addressing the failure of Plaintiff’s expert, Michael Bond, Ph.D., to appear for a deposition originally scheduled for today, December 15, 2023.

On December 7, 2023, this office served a notice of Dr. Bond’s deposition on Plaintiff’s counsel, which notice, together with a subpoena, was also served via hand-delivery on Dr. Bond on December 10, 2023. Plaintiff’s counsel has objected to Dr. Bond’s deposition, principally arguing that we afforded insufficient notice of the deposition. Of course, eight days’ notice of a remote deposition which (i) could not be expected to last more than 90-minutes; and (ii) which did not call for the

The Honorable Jessica S. Allen, U.S.M.J.

December 15, 2023

Page 2

production of any documents, is entirely reasonable and the efforts of Plaintiff's counsel to interfere with this deposition should be soundly rejected.¹ Accordingly, we respectfully request entry of an Order compelling the production of Dr. Bond for a remote deposition of no more than three hours not later than December 22, 2023.

As always, we are available at the Court's convenience.

Respectfully submitted,

/s/ Marc D. Haefner

Marc D. Haefner

cc: All Counsel of Record (via ECF)

¹ Further, we note no rule suggests that a person properly subpoenaed to appear for a deposition can merely object; rather, they should seek a protective order whether formally or informally.